

Notice of Allowability

Application No.

09/748,495

Examiner

Steven L. Weinstein

Applicant(s)

CAI, EDWARD ZHIHUA

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDT FILED 10/11/03 + INTERVIEW 12/22/03
2. ☒ The allowed claim(s) is/are 79-90 AND 92-102, RENUMBERED CLAIMS 1-23, RESPECTIVELY.
3. ☒ The drawings filed on 12/22/00 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>12/22/03</u> |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. <u>12/22/01, 11/27/02, 10/11/03</u> | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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EXAMINER'S AMENDMENT

In accordance with a telephone interview with Mr. Cai on 12/22/03, the following changes were agreed upon to put this application in condition for allowance:

In claim 79, line 5, "for" has been deleted and in lines 5 to 6, "being adapted " has been deleted and -- having a cartridge inlet for connecting to a mounting head -- has been inserted therefore;

In claim 88, line 5 "for" has been deleted; in line 19, "and" has been deleted: and, as a new paragraph, between lines 19 and 20, the following paragraph has been added:

-- a crema generator located between said impermeable chamber and said discharging opening for producing a visually appealing crema for the beverage, said generator having an orifice of sufficiently small size adapted to generate a high-speed jet of beverage that is capable of causing said visually appealing crema to form in the beverage before said beverage is discharged at said discharging opening, wherein said filter is adapted to have sufficiently small filtration openings to prevent said orifice from being clogged by said flavor-containing materials; and --;

In claim 98, line 5, "for" has been deleted, and, in lines 5 to 6, "being adapted" has been deleted and -- having a cartridge inlet for connecting to a mounting head --has been inserted therefor; and between lines 7 and 8, as a separate paragraph, the following paragraph has been added:

-- a cartridge outlet opening for discharging the beverage produced

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in said containing chamber into a container --;

The title has been changed to read -- Beverage Making Cartridge --;

Claim 91 has been cancelled.

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PRIMARY EXAMINER 1761
12/27/03